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ABSTRACT

Following a discussion of what day care licensing isn't and what it is, a study of day care licensing is presented. The study's objectives were to: describe licensing requirements, state licensing procedures, and licensing steps required of applicants in each of the 50 states; identify those factors that facilitate or inhibit the day care licensing process; and describe and analyze the range and variation of local government participation in the licensing process. The 21 findings of the study are grouped under Regulation, Procedures, and Points of Delay. It was concluded that: there is a tendency for states to include too much detail in statutes authorizing regulation of day care facilities; a standardized method of classification of day care homes and centers is needed; there is a need for a standard format for presentation of requirements to potential applicants; state and local agency standards for day care licensing often have parallel or conflicting requirements making it inefficient and costly; some requirements are unrealistically stringent; several aspects of day care licensing administrative procedures will inhibit rapid expansion of national programs; different evaluation criteria are sometimes applied for white minority day care centers; statements of licensing agencies in six states show that a major concern of all licensing agencies is the lack of strong legal teeth needed to revoke the license and keep closed a "bad" day care facility; and types of day care now excluded in state day care statutes and regulations range from care by a relative to government facilities. Thirteen recommendations are made. Seven appendixes provide the study data. (DB)

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A SURVEY OF STATE DAY CARE LICENSING REQUIREMENTS

with a preface:
"Licensing—What It Is and What It Isn't"

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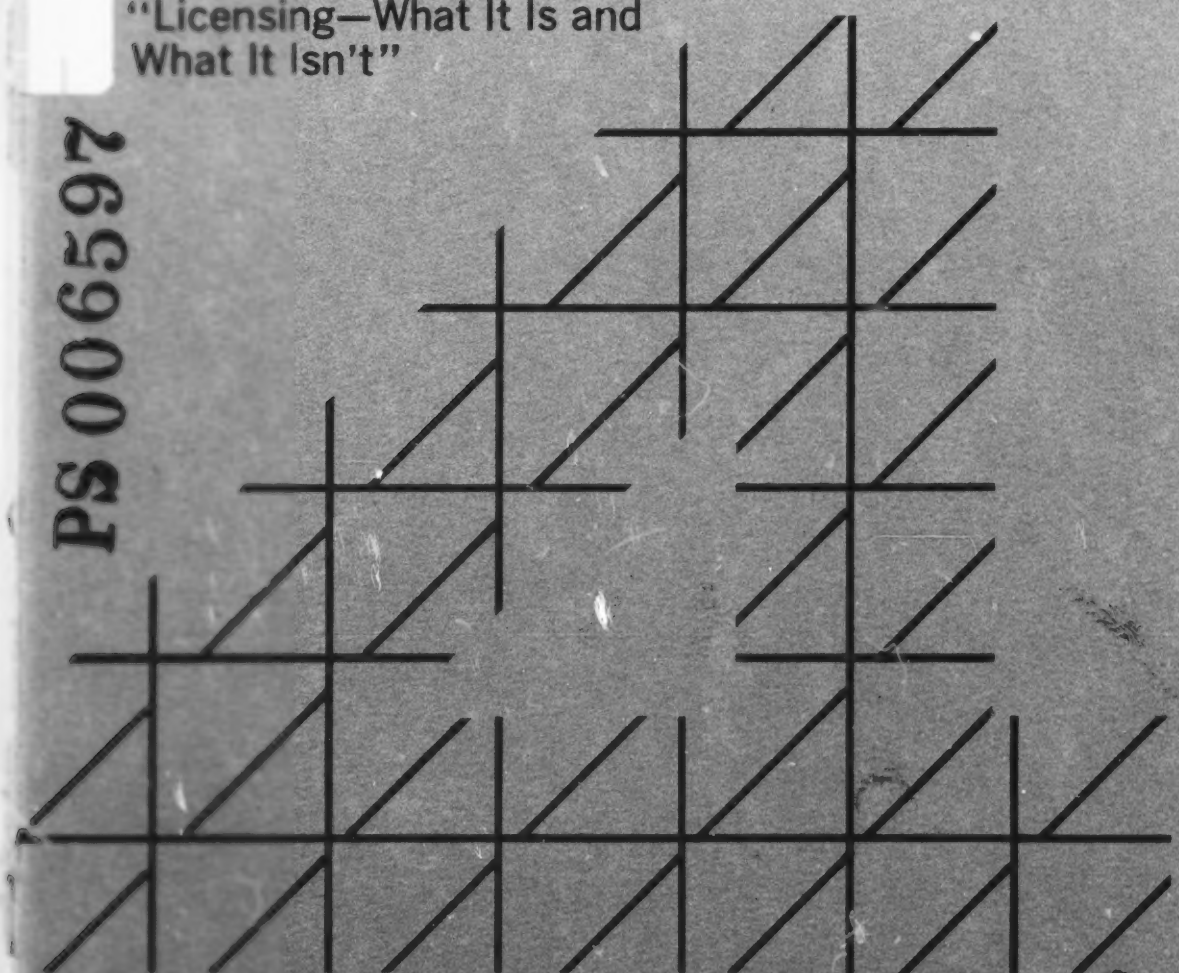

CHILD CARE BULLETIN NO. 4

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Prepared for:

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INTRODUCTION TO THE CHILD CARE BULLETIN SERIES

Today, there is no longer a lack of materials on Day Care and Child Development. On the contrary, there is an impressive amount of materials now in print. Unfortunately, these publications are often inaccessible, or when they are available, they are frequently voluminous. Research and information retrieval then becomes an onerous task. There is absolutely no need to burden people who are involved in child care with difficulties of procuring inaccessible materials or with materials of unmanageable proportions.

There is a need for concise, readily available materials. These Bulletins are a response to that need. They synopsize a portion of the child care resources presently being developed and disseminated by the Day Care and Child Development Council of America, Inc., under Office of Economic Opportunity Grant No. C.G. 3614.

Each Bulletin, though developed independently, is closely interrelated with the others, by means of cross-references found in the text. The references to other Bulletins are provided with the intent of minimizing the built-in bias that is present in any study. We hope that this method will provide the reader with a truer perspective of current critical issues.

For the discriminating reader who requires more specific information, the complete, original publication from which this Bulletin was gleaned may be consulted in any of the following repositories:

- The fifty State Libraries
- The fifty State Offices of Economic Opportunity
- The ten Federal Regional Committee Headquarters
- The Library of Congress
- and the Day Care and Child Development Council of America, Inc., Library.

The perspectives and conclusions found in this Bulletin do not necessarily represent the policies of either the Office of Economic Opportunity/Office of Program Development or the Day Care and Child Development Council of America, Inc.

We wish to express our gratitude to the Council Board's Advisory Committee, Mrs. Mary Dublin Keyserling, Dr. Leonard Mestas, and Mrs. Gwen Morgan, for their guidance and review in the preparation of these bulletins.

THE EDITORS
November, 1971

LICENSING: WHAT IT IS AND WHAT IT ISN'T

This preface was written by the New Resources Project staff, based on a staff seminar presented by Mrs. Gwen Morgan. Mrs. Morgan is expanding the substance of her presentation and the finished piece will appear as a chapter on regulations in a new book to be published by the Battelle Institute in the Fall of 1972.

As the word "quality" begins more and more frequently to preface "day care" in American thinking, one thing that's becoming clear is the confusion about the various methods of regulation open to us to insure that quality.

The situation is pretty well illustrated by the experience of the Dean of the University of Michigan. Numerous students there need day care services in order to continue their studies. The university, as a state agency, is not subject to licensing, yet it is accountable for a level of quality control on a par with Michigan standards. A building was found which was in fact superior to the housing in which the parents and children lived, but it did not meet the state's safety requirements. While wrestling with this dilemma, the university discovered that to obtain Federal funds, both to improve the building and for the program in general, it would also have to meet Federal Interagency Day Care Requirements. One of these requirements was that the program meet the state's requirements for licensing.

Curious to discover who in Washington was responsible, Dean Cohen discovered his own signature on the document, dating from his days as Acting Secretary of HEW. He could only conclude that "Things look different in Ann Arbor than they do in Washington."

The Dean had come face to face with four of the different forms of regulation of day care: state licensing, building safety inspection, federal funding requirements, and the administrative accountability of a state agency, in this case, the university. Practically nobody in this country is at all clear -- due to mental blocks, a false sense of familiarity, lack of information or just plain boredom -- about the differences between those. (Not to mention goal standards, accreditation, zoning, required curriculum and/or staff credentialing ...)

Let us start out by defining some of the ways of regulating day care which are not licensing.

(1) Direct administration

Directly administered day care services are publicly funded and operated; for example, by states through their welfare departments. They do not require licensing since they are supposed to be self-monitoring, with the operating agency answerable to elected officials. The dangers in this are that public agencies seldom have staff for adequate monitoring of quality, and no other agency monitors. Monitoring is only as effective as the monitor. In general, state-run programs of high quality are those in which there is a high degree of community involvement -- in other words, in which the people of the community in which the day care service is provided closely monitor the program in question.

(2) Direct regulation (guidelines)

Via full or partial funding from public monies (e.g., Head Start) uniform federal guidelines can be laid down for all operating branch agencies to follow -- or lose their

budgets. A problem here is that programs such as Head Start allow for little locally initiated diversity or local decision making, out of administrative necessity. There is little consideration for the differences between communities.

A real problem also for program operators who try to provide care for children eligible under different pieces of federal legislation is that the requirements written into the law and those handed down as administrative guidelines are very different among different federal programs. They may even go beyond the different to the downright incompatible, so that complying with one means violating another. For this reason, some federal monitors, unfamiliar with local community needs, tend to be hostile to local efforts to use several sources of funds to serve a variety of eligible children or to develop programs that answer to needs rather than guidelines.

Distant administration also harms the effectiveness of federal-local programs because in the interest of efficiency, fund expenditures must be controlled through uniform guidelines. Local needs would probably be better answered by a revenue sharing plan by which governments are allotted a certain annual sum and, given certain basic standards, allowed to determine for themselves the best way to provide them in their areas.

The whole problem of distant and inflexible administration is neatly illustrated by the story of Head Start at the federal official level cutting the transportation budget for Head Start in the Northern Kingdom of Vermont. The justification: "The children can take the subway."

Funding standards

Another form of direct regulation is the creation of funding standards, i.e., levels of quality for which the government is willing to pay. With Federal Interagency Requirements, a brave effort was made to insure the same quality of services to all children, regardless of which federal agency provided the funds.

There is, however, some confusion about the Federal Interagency Day Care Requirements. Their distinction from licensing requirements, on the one hand, and administrative guidelines, on the other, has not been clear.

In some states, well-meaning professionals have attempted to bring licensing requirements "in line" with the Federal Interagency Requirements. This means that the state imposes the same requirements on programs which have no public funds at all as the federal government requires for programs it is willing to pay for. There is no reason why funding standards, designed for appropriate use of public funds, should be the same as licensing requirements designed for protection of all children and prevention of harm.

Many private day care proprietors have gone to great expense and effort to meet state licensing requirements. Imposing more stringent standards on them, without subsidy, is likely to drive them out of business, however adequate their programs. They are, therefore, likely to oppose publicly funded day care altogether, and their support of licensing, painfully won over the last 10 years, may be seriously eroded.

Another confusion has to do with the relation of federal funding standards to administrative guidelines. The former apply to any program using federal money, even if it has only one welfare-subsidized child in its otherwise fully paying group. Writing and using the federal funding standards as if they were the Head Start guidelines may impose an entire bureaucratic setup and rigid program mold on the schools, on welfare-funded child care, and on privately operated programs which may take in a few subsidized children. More will be lost in diversity than gained in quality.

There are limits on the power of funding standards as a way of regulating. A major potential weakness in the power base of funding standard regulation is the fact that standards may be set which cost more than the government is willing to pay.

(3) Requests for Proposals and Accounting Systems

A third major form of regulation of day care programs apart from licensing is the technique used by government bureaucrats to protect themselves from the incompetent and unscrupulous: requiring a high level of expertise in the preparation of proposal materials they will consider funding. Programs therefore get distributed according to established rules of "grantsmanship" rather than a pattern of children needing services.

The problem becomes serious particularly in early childhood services where most of the evidence points to highest quality service involving small groups of children and heavy parent involvement. If erudite skills in proposal writing and accounting systems demanding the brain and expertise of a computer are required to approve programs, the best programs may be seriously inhibited.

A further method of regulation widely used and scarcely recognized is the control of the flow of information. If only selected agencies ever hear about available funds, other agencies are effectively ruled out. For example, a grant announcement giving priority for funding to proposals planned by 4-C community groups distributed to the Education bureaucracy but not to 4-C. If the 4-C people had not happened to hear of it by chance, they never would have.

(4) Zoning

Zoning, contrary to popular belief, has no direct relationship to licensing. It is, however, another major form of regulation of day care services. Zoning is simply the determination of local land use made by cities, towns and counties. It is a serious obstacle to day care. Day care, to zoning authorities, is all too often still regarded as a "problem use" rather than a needed community service. So day care centers are zoned out of residential areas, ostensibly because of the playground noise factor (about which no neighbors in areas where centers are located have ever complained). And they are zoned out of commercial areas because these are not felt to be good places for children. In short, a great deal of public education of zoning officials needs to be done before they will accept the radical notion that day care centers, publicly or privately operated with a public purpose, should have land planned for their use just as do schools. In the case of family day care homes, it has been suggested that they be classed for zoning purposes in the same class of use as homes in which people live, a lively contingent pointing out that many children go home to worse places every night.

At present, the better a job of zoning a city is doing, the more obstacles it is likely to be creating for day care. Any solution to this problem will lie in passing state legislation overriding local zoning codes for day care or in reaching local planning people through their professional organizations, meeting with local citizens and the state and federal agencies to which they relate.

Planning, planning, planning -- planners have not become involved in day care issues and day care people, both in the services they give and those they require, too often operate on a fragmented day-to-day basis. They remain out of touch with and unaware of the network of service in a community and close themselves away into little closets of self-protection where communication and progress toward their stated goals are stifled.

(5) Fire Safety and Sanitation Requirements

The statutory base for these requirements rests not on child care licensing laws but in public safety and public health laws. There are often additional municipal ordinances. Sometimes fire and building safety are combined in a state-developed set of regulations and delegated to local building inspectors to enforce.

These requirements for certificates of inspection, again, are not licensing, but they are usually required by licensing authorities as preconditions for a license. The hodge-podge of

protective agencies and codes creates frustration (and expense) for the would-be day care operator, and it would be a great help if licensing agencies employed safety and sanitation experts who could facilitate the process.

Another reason for frustration with the codes may well be the codes themselves. Until recently there has been little or no contact between building safety people and human services people. Consequently, neither group is aware of the other's needs, desires, and problems. Since safety people tend to think and speak in a highly legalistic way, the human service professionals believed them to be narrowminded, inflexible and unintelligent. It was hard for them to understand that in a profession in which the stakes are life and death, it is the height of virtue to stick to the letter of the law. Giving little favors, giving in just a bit on this rule or that can result in tragedy.

On the other hand, safety officials, like the zoning folk, tend to see day care as a commerical operation run to make money out of children, and so they regulate in a way to prevent too many people entering the field.

Some communication has begun, however, and therefore some hope may be real of a national mutually satisfactory code particularly geared to day care.

As in zoning, a major hassle arises over the regulations for family day care homes. Family day care is the sharing of a real home with a few children, not an institution "like a home." There is considerable high feeling against the irony of safety regulation preventing needed services to people whose own homes are far less safe than the rejected potential day care home.

The real problem, of course, is the lack of adequate standards of housing for everyone in this country. Where so much substandard housing is allowed to exist, it is going to be seen as unfair for, for instance, a family to be allowed to live in a home with only one stairway from the second floor when a family day care home is refused on the same grounds.

(6) Incorporation

Another major form of day care regulation that is not licensing is incorporation, an early and long standing method in which states investigate the character of those seeking to incorporate a nonprofit agency, examine their goals and ask for reports from them. Incorporation provides an accountable body which is then subject to licensure and other public regulations.

Federally, the Internal Revenue Service assigns a tax-exempt number to nonprofit corporations after investigation, thus preventing them from receiving charitable gifts on a tax-exempt basis unless approved.

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LICENSING -- WHAT IT IS!

During and directly after the Civil War, national concern for children first began to take a formal regulatory approach. In New England, where "little wanderers," groups of children on their own, roamed the streets and fields, a board of charities was created in 1863 to inspect and report on certain types of child care facilities. Other states followed suit during the next decade, for clear and compelling reasons. Foundlings in institutions were not surviving. According to an early observer, "in 1868, at the great Foundling's Hospital on Wards Island, New York, 1,527 were received in 11 months and all died within the first year but 80 ... and ... these have small chance of life." At the state almshouse in Tewksbury, Massachusetts, "where 153 motherless infants only were admitted in 5 years ending 1873, all died but 15."

During the 19th Century, public scandals over the abuse of children in state-subsidized institutions brought demands for controls, and Pennsylvania passed the first licensing law in 1885. It regulated the care of children by private individuals through requiring a license, with penalties for failure to comply. Other states followed suit, gradually broadening in scope to include boarding houses and institutions for children, gradually responding to rising quality in care by making demands beyond the mere elimination of death and blatant abuse.

From these early beginnings, and strengthened since 1935 by support for child welfare services from the federal government in the Social Security Act, further developed by activity initiated by the Children's Bureau in 1960 in getting state day care licensing laws passed, present regulatory laws have grown, though more like Topsy than by design. Those involved in child care licensing and regulation are seldom offered in-service training and almost never receive any academic course work in the subject. They learn from colleagues, from past procedures, from guess work. The New England Licensing Association is the only such organization in the country.

TOWARDS A DEFINITION

So all right, what is licensing? It was designed to protect children from harmful programs, in which for instance, children were ... and are ... tied to chairs in cellars and bitten by rats. It is a *preventive* child welfare service, aimed at avoiding predictable harm just as innoculations for all normal children prevent illness. Its purpose is to provide a *floor of quality* below which day care service cannot drop. It outlines the minimum requirements for adequate day care service.

Licensing laws regulate a child care "facility." Facility, contrary to a lot of thinking, does not mean a building alone. The term includes people, operations, structure, and materials -- the accountable administering agency, the place in which the service takes place, and the program which is conducted there. This is in contrast to other licensing, which covers professional and occupational competence of staff with no regard for the program they are undertaking to carry out.

Licensing is directed at several aspects of a day care program. It is important to keep in mind, as discussed in the first section on what licensing is not, that sanitation and safety codes are, in fact, separate sets of regulations which must be met before a license can be issued.

Licensing is a powerful legal tool assuring the day care user of a basic level of care for his child and providing him with the kind of consumer protection service he needs when faced with any choice offered on the open market by the private sector. The general public is further protected by constitutional guarantees and state administrative procedures which protect against the misuse of licensing power, and inequitable or discriminating enforcement and arbitrary codes. Licensing rests on a public concern for the prevention of harm and is most effective if it stays within the areas of what can be reasonably expected to be harmful.

Legally, licensing consists of (1) state legislatures outlawing or prohibiting the service totally, in all its existing forms; (2) delegating to an agency the responsibility of developing a set of requirements under which the state will allow the service to exist. The licensing agency, using the powers given it by the state, can be considered a quasi-legislative body. Since it is also given the power to issue or deny licenses on the basis of its investigations and judgments, it is a quasi-judicial agency.

Licensing does not have to wait for some crime or harmful effect to happen before it can be implemented. This is the whole reason for its being. It is preventive, in contrast to criminal law, which is punitive and can only act after the fact. Since licensing agencies have

knowledge and expertise on quality of child care, they also, in their role as consultants, provide help and advice on what constitutes good programming. This advice, however, is on a when asked basis and must be clearly differentiated from requirements.

POWER BASE OF LICENSING

Since the passage of licensing laws in the early sixties, licensing has considerably broadened its focus. At that time, licensing was aimed at protecting children in day care. Now the public is balancing that interest against its awareness of the harm that is being done to children because they are not in day care. There exists a responsibility to prevent harm to them too. There is a need to expand day care. Licensing authorities must temper their zeal to protect children in day care with a sensitivity to the public need. Licensing should promote and not inhibit the growth of adequate day care service.

THE ENEMIES OF LICENSING

Licensing, as it stands today, is our one best way of seeing that children are protected from harm. It is in a considerable amount of trouble at present. Some of the conscious and unconscious enemies of licensing are:

(1) A segment of the franchisers and profitmaking business entrepreneurs who view licensing as a major obstacle to expanding service and who may testify against it. Most responsible profitmaking day care operators understand the great value of licensing in protecting them from the few unscrupulous competitors out to make a fast dollar by exploiting children.

(2) A segment of the licensing people who discriminate unfairly in administration of licensing and confirm the complaints of the first group.

(3) A few well-meaning professionals who try to impose standards beyond what the public is willing to support.

(4) Some consumer groups who have not been informed about the difference between licensing and administrative guidelines for federally funded programs. These groups may try to impose guidelines appropriate for subsidized programs on private programs receiving no public funds at all.

Though each of these groups may be small in number, combined they add up to national confusion and a potential danger to the future protection of children through state licensing.

THE FUTURE OF LICENSING

Licensing is a powerful and needed tool. Public funds must be allocated to insure sufficient staff to enforce the codes and for training that staff. Often, failure to enforce them is not the fault of the codes themselves but due to a lack of trained staff.

Licensing is a powerful tool but only with the people behind it. It needs to be relevant. Licensing people must develop standards that have a strong base of public awareness. The general public has to be included in a democratic process of standard formation. Only then can licensing count on the strong public understanding it must have.

The formation of standards requires the input of everyone concerned ... front line licensing staff, child care experts, state agencies involved in the provision of day care, child care users, licensees, and other interested citizens.

It is only then that we can develop a sensible floor of quality, a floor which we can steadily raise over time as public acceptance and general practice aspire toward new levels of quality. Licensing is meaningful only when it is able to comprehend the whole complex terrain of local and national sensibilities.

INTRODUCTION

Day care licensing information is confusing. Applicants are often lost in a maze of zoning, building, fire, and health regulations involving various state and local agencies. In an effort to eliminate this confusion and to initiate the coordination of licensing functions and the revision of licensing requirements, the Office of Child Development and the Office of Economic Opportunity awarded a grant to Consulting Services Corporation (Conserco). The study's objectives were:

1) to describe licensing requirements, state licensing procedures, and licensing steps required of applicants in each of the 50 states,

2) to identify those factors that facilitate or inhibit the day care licensing process and

3) to describe and analyze the range and variation of local government participation in the licensing process.

Licensing information was gathered from each of the 50 states through mailback questionnaires and telephone interviews of state licensing directors and rejected day care applicants. A six state sample of California, Colorado, Michigan, Missouri, Pennsylvania, and Virginia was visited by field teams because these states represented a broad range of procedural differences.

The data indicates that several aspects of the day care licensing process will seriously hinder the expansion of national day care programs. The problem areas are inconsistent interpretations of regulations, unrealistically stringent requirements in some areas, and the lack of centralization of licensing controls.

The consensus of state officials is that licensing regulations need reviewing and changing. Change is expected within the next 2 years in 37 states. The types of changes anticipated are summarized on the following table.

STATE REGULATION CHANGES ANTICIPATED IN 1971 AND 1972

TYPE OF CHANGE	NUMBER OF STATES PLANNING
Special regulations for mentally retarded	2
School age care	3
Staff/child ratio	4
Program	5
Night care	10
Health, sanitation and safety	12
Staff Qualifications	13
Infant care	16
Other miscellaneous areas such as "simplify standards," "complete revisions of standards," update rules and regulations," etc.	29

The modifications are expected to produce improvements in local offices, but without national coordination the overall picture will remain the same. Unless the Federal Government assumes leadership in licensing reform, the anticipated changes will only cause a ripple in the vast ocean of licensing confusion.

METHODOLOGY

Prior to the data collection phase of the study, the Office of Child Development sent a letter to administrators in each state who were responsible for day care licensing. This letter explained the intent and scope of the total project, indicated that the Office of Child Development considered the project of great importance, and requested cooperation with any requests for information made by the researchers.

The data collection plan involved the collection of a reference library of state day care licensing documents; a survey of state licensing authorities; and a follow-up reality sample in six states which would involve interviews with state and local personnel licensing or inspecting day care facilities as well as facility operators in large cities and small communities.

As a first step in the data collection procedure, a letter explaining the study and requesting cooperation in supplying information was sent by the researchers to the state agencies responsible for day care licensing. The state licensing authorities were asked to forward copies of day care licensing statutes and regulations, statewide building, fire and sanitation codes, field worker's manuals, inspection checklists and all forms required from the applicants. The licensing documents were screened for completeness and appropriateness as they were received from the states. Additional materials were requested as necessary. Abstracts of state licensing requirements for family day care homes, group day care homes and day care centers were compiled from the state day care reference library. Content of the abstracts was dictated by the present and future needs of the project and for use by persons involved in day care at national, state and local levels. The abstracts were later reviewed by the states, to ensure their regulations had been properly interpreted.

States were asked to furnish the researchers with names of 30 applicants who failed to complete the licensing process (20 family day care homes, 10 day care centers). Applicants for facilities in both central city areas and communities with under 30,000 population were to be included in the lists.

Those persons whose names were submitted were telephoned and a questionnaire administered. Persons who could not be contacted during the daytime were called again in the evenings and Saturdays. The primary focus of the interviews was the reason or reasons for failing to continue the licensing process. Interviewers recorded the first reason given and then probed for other possible problem areas. Inconsistencies in response were corrected during the interviews.

Information on state licensing experience was obtained directly from states by a questionnaire that was divided into two portions: a mailback questionnaire and a telephone interview schedule. It was expected that telephone contact with licensing directors would yield more complete responses and would require fewer call-backs than a straight mail questionnaire. Each of the questionnaires utilized was pretested and revised as necessary.

Copies of the mailback questionnaire and telephone interview schedule were mailed to states with a request for a telephone interview appointment date. A set of general instructions for the questionnaires was included along with detailed instructions that were integrated into both questionnaire forms. Interviews were conducted over a four-week

period; consequently, states were allowed to prepare answers to the interview portion for two to six weeks.

The interviews averaged an hour and a half each. They were spaced three hours apart to afford the interviewer ample time to edit the responses and prepare for the next interview. Since the respondents had their copies of the telephone interview schedule before them at the time of the interview, the interviewers acted as recorders, going through the questions item-by-item and probing and clarifying questions where necessary. Additional or qualifying information not called for on the questionnaires was recorded on special pages that were attached to the interviewer's copy of the questionnaires.

At the conclusion of the telephone interview, the mail-back questionnaire was covered item by item to ensure that all of the questions were interpreted properly. Completed questionnaires and interviewers procedure were checked by the data collection supervisor. Items requiring call-back were noted. End of day debriefings were held with the interviewers at various times during the survey.

Information from both surveys were coded and keypunched for electronic data processing. Additional call-backs were made to state licensing authorities as a result of the detailed scrutiny of data required by the EDP coding process.

Following completion of the fifty state survey, the states were grouped in terms of similar governmental organization for licensing, both departmental and interdepartmental as the first step in selection of the six states for the follow-up survey. States which do not require licensing of homes, or issue only voluntary licenses or license only in a small part of the state, were excluded from consideration for the follow-up field survey since they could not provide a complete and typical picture of state licensing.

Six states and four alternates were selected by Social and Administrative Services and Systems Association and the Office of Child Development from these organizational groupings in order to obtain:

1. A variety of management procedures;

2. A geographic spread nationally, to avoid clustering;

3. A range of regulations from the flexible and general to the specific and overly detailed;

4. A range of stringency of requirements (staffing and plumbing and other requirements with large cost impact were rated as to stringency); and

5. A wide range of urban and rural situations.

The six states visited were California, Colorado, Michigan, Missouri, Pennsylvania and Virginia. Two field teams of three interviewers each visited three states, spending an entire week in each state. Each field team included a management specialist, a codes specialist and a day care specialist. Each field visit began with a meeting with the state licensing agency to review the previously completed questionnaire, make final arrangements for facility visits and complete file searches of facility records where possible, prior to visiting day care homes or centers.

Interviews were held with local officials to obtain a clear picture of local requirements that must be met by day care applicants. Zoning, building, planning, fire safety and health officials were asked for information on local inspection procedures, and problems or delays encountered by day care facility applicants in meeting local requirements.

State building, fire safety and health officials were asked for information on local inspection procedures, and problems or delays encountered by day care facility applicants in meeting local requirements.

Interviews with officials and day care facility operators were carried out in 32 cities and 25 countries, with a stratification of facility interviews as follows:

	Urban	Small Urban	Rural	Total
Family Day Care Home	10	2	3	15
Group Day Care Home		2	3	5
Day Care Center	46	18	13	77
	56	22	19	97

A directed open discussion technique was used in place of a structured questionnaire. This allowed inspectors and facility operators to concentrate on what they considered to be the most important problems or delays in the total licensing process, both state and local.

SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

FINDINGS

Regulation

1. There are three major types of day care facilities licensed in the United States:

   Family Day Care Home -- a category in 48 state regulations

   Group Day Care Homes -- a category in 9 state regulations

   Day Care Centers -- a category in 50 state regulations

   These three categories are not similarly defined from state to state.

   Child Care Bulletin No. 2, Subject: Feasibility Report And Design Of An Impact Study Of Day Care contains the Federal Interagency Day Care Requirements which define these three categories.

2. State licensing of family day care homes is not mandatory in 11 states and Georgia, which has regulations, but does not license family day care homes. Licensing of centers is voluntary in Mississippi, and the center licensing regulation has been overturned by court action in Idaho.

3. In a few states requiring licenses, there are large gaps in coverage where licensing is not mandatory for all cities and counties.

4. Requirements for family day care homes are less stringent and comprehensive than requirements for day care centers. This is true for the zoning, fire safety, and building code requirements of local governments, as well as the physical facility and program requirements of the state agency.

5. The day care licensing regulations of 60 per cent of the states contain provisions for infant care in day care centers when special requirements are met. Three of six states visited in the follow-up survey had state requirements for infant care. However, in Virginia there were no centers with infants in care, in California infant care in centers was rare and discouraged by the licensing agency, and in Colorado, the space requirements are doubled when infants are in care.

6. Except for the state licensing regulations, day care facilities are not usually specifically defined or classified in state or local regulations applied to day care facilities by inspectors. Zoning, fire safety, health, and building code requirements are usually not coordinated with state day care licensing regulations.

7. Inspectors outside the licensing agency often do not have guidelines for application of the regulations to day care facilities.

8. Local regulations for fire safety, health, and building usually increase in stringency as the population density increases. Both the number of separate regulations to be met and the sophistication of their requirements are highest in urban metropolitan areas.

9. In most cases, applicants do not consider requirements unrealistic, but the cost of meeting the requirements is often inhibitory.

Procedures

10. The licensing authority in most states (84%) is the department of welare or its equivalent.

11. Typically, day care centers are licensed by the state welfare departments, and day care homes by local county welfare departments.

12. The department of welfare relies on other state agencies, principally the office of the fire marshal and the department of health, sanitation, and fire safety.

13. The actual inspections of day care facilities and consequent reports are usually made by city and country agency staff without reimbursement from the state.

14. Although threr are many similarities, no two states, cities, or counties follow the same specific procedures or interpret regulations in the same way.

15. Approximately 15 to 20 major work tasks are required of an applicant in the licensing process, assuming that all regulations are met on the initial attempt and that second and third inspections are not necessary. When the tasks of government officials are included, the total number of tasks in a typical licensing process approximates 50 to 75. If reinspections

are required, or other licensing problems occur, in excess of 100 tasks may need to be performed by the applicant and a variety of agencies at different levels of government.

16. The greatest problem of coordination cited by the state licensing authorities were in dealing with the state fire marshal, the local fire marshals, the local health officers, and the state health officers -- in that order.

17. Thirty-seven state licensing authorities plan major revisions in their regulations during the next two years.

Points of Delay

18. Delays in the licensing process attributed to government offices by state licensing agencies and the approximate average number of days' delay are as follows:

Delays attributed to:	Licensing Agency
Fire Inspection	65 days
Sanitation Inspection	35 days
Health Inspection	35 days
Zoning	50 days

These delays can be cumulative.

19. The most frequent reasons given by the state for denying licenses to initial license applicants were that the applicants lacked qualified staff, failed to comply with fire codes, or had uncorrectable building violations.

20. Persons who had initiated the licensing process over 12 months ago, but had not completed the process were asked why they had not done so. Forty-eight percent said they had encountered problems meeting regulations; others gave business reasons (38%) and personal reasons (14%). Applicants said the most difficult regulations to meet were the physical structure requirements for the day care facility and the fire safety apparatus required for an operating facility.

21. The state licensing agencies indicated that the best ways of speeding up the licensing process, without loss of effective program control, are to increase the licensing staff, improve state administrative procedures, re-organize local staff, and develop more written state requirements, codes and guidelines specifically designed for day care.

CONCLUSIONS

1. There is a tendency for states to include too much detail in statutes authorizing regulation of day care facilities.

2. A standardized method of classification of day care homes and day care centers is needed. At present, the three generally accepted classifications are family day care homes, group day care homes, and day care centers which differ widely in definition from state to state, making meaningful comparisons between states difficult.

3. The applicants surveyed seldom had adequate information concerning specific code requirements during the pre-application stage. Few licensing workers had informed the applicant of specific local zoning and building requirements. Early knowledge by the applicant of all the requirements, both state and local, for obtaining a day care license can expedite the licensing process by eliminating costly false starts and mistakes which must be corrected later. There is a need for a standard format for presentation of requirements to potential applicants.

4. State and local agency standards for day care licensing have been developed by different people under different circumstances for different reasons, and very often without consideration of parallel or conflicting requirements of other agencies. This piecemeal approach, so often used in the past, is simply too inefficient and costly to be allowed to continue unchecked. In most cases, it is the applicant who must spend the time and pay the cost of assembling a comprehensible view of the divergent requirements he must meet. The applicant must resolve the conflicting requirements to the agreement of all agencies requiring compliance with their rules.

5. Some requirements are unrealistically stringent. Local requirements considered over-stringent by operators of day care facilities result more from default than design; these requirements often occur when all day care homes and/or centers are classed categorically with a group of other uses with higher risk factors resulting in a need for higher safety standards than are necessary for day care facilities. Many of the requirements considered unreasonable by operators of day care facilities could be changed if local officials were properly approached and provided with the information needed to improve the local requirements.

6. It would appear that several aspects of the day care licensing administrative procedures will severely inhibit rapid expansion of national day care programs. The major factors appear to be:

   a. Existing standards are not interpreted uniformly from one year to the next and from one geographic area to the next due to staff turnover and inadequate training programs.

   b. Central control of the speed of licensing is weakened by the layers of local zoning, building, etc., requirements, which are out of the jurisdiction of the licensing agency, and by reliance on the cooperation of inspecting agencies which give low priority to day care inspections.

7. Some inspectors tend to apply different criteria for evaluating facility and program for white minority day care centers.

8. On the basis of statements by the licensing agencies in all six states visited in the follow-up survey, a major concern of all licensing agencies is the lack of strong legal teeth they need to revoke the license of a "bad" day care facility and keep the facility closed.

9. The types of day care now excluded in state day care statutes and regulations range from care provided to a child by a relative to facilities operated by governmental agencies. In some instances, these exclusions generate separate sets of licensing requirements and dual licensing agencies within a state which are licensing parallel child care programs.

RECOMMENDATIONS

1. To ensure cooperation and coordination of the day care licensing functions of the state licensing agency and "other" state and local agencies involved in evaluating day care facilities, the state statute authorizing day care licensing should provide for the establishment of either a permanent or ad hoc committee to review and coordinate day care licensing regulations and procedures. The committee should include representation from all the state agencies which assist the licensing authority and should be required periodically to update and improve the regulations and licensing process.
Annual coordinative meetings between the state licensing agency and assisting state agencies should be required in all instances, including those states where licensing agency staff are assigned to accomplish liaison between the licensing agency and state and local inspecting agencies.

2. State day care legislation should give the state licensing agency adequate authority to deny or revoke licenses and to initiate action in the courts against those facilities which continue to operate after their licenses have been denied or revoked.

3. Performance standards which allow for alternatives in meeting requirements should be used where possible in both state and local regulations to allow the greatest flexibility to licensing workers and inspectors in evaluating a day care facility for licensing.

4. Written guidelines or manuals of interpretation should be developed for use by inspectors in applying specific state and local codes to day care. The guidelines and manuals should be developed by the state or local inspecting agency in concert with the state licensing agency and should consider incorporation of national models.

5. Workshops for all state and local inspectors of day care facilities should be given at regular intervals to train, compare procedures, and evalutate the present system. Training programs could be conducted by the Office of Child Development to train a cadre to state trainers in keeping with manuals and materials prepared by the Office of Child Development that would assure some degree of uniformity in coordination between agencies, reducing duplication and conflict.

6. Provisions for use of modular units for day care facilities should be included in the industrialized building unit (factory-built housing) laws of the states which presently have such legislation in force. The state licensing agency should advocate passage of an industrialized building unit law providing for day care use in those states which do not yet have such legislation.

7. For each type of day care facility, sets of materials should be prepared for potential day care applicants containing state regulations, a copy of all forms used by inspectors, and a list of steps the applicant needs to follow to complete the licensing process.

8. Licensing specialist positions should be created within the licensing agency to provide agency expertise in the health and sanitation and fire safety and building codes aspects of day care licensing. This could be accomplished in different ways. In one approach, a licensing specialist trained in child development would recommend program consultation where needed, but his primary job would be to license the physical facilities to house a day

care program meeting minimum state standards. He would be familiar with all local code requirements that must be met by a day care facility in order to obtain a license. He would be trained to help applicants through the maze of local building, zoning, business license, etc., requirements, arrange for team inspections to eliminate conflicting recommendations by inspectors, and otherwise speed up licensing procedure. The licensing specialist could also reinspect for facility correction of minor deficiencies noted in facility inspections by other agencies, alleviating the need for reinspection by local inspectors.

Another approach would be to establish specific higher level fire and safety and health and sanitation liaison positions within the state licensing agency. These specialists would coordinate the physical facility inspection aspects of licensing for all day care facilities licensed by the state.

In both approaches, interagency agreements should be drawn up providing for reimbursement by the licensing agency for day care facility inspection costs.

9. Consideration should be given to extending the period of license for all day care facilities to two years, assuming some systematic monitoring on at least an annual basis be accomplished by the appropriate inspecting agencies.

10. The "registration" of family day care homes should be studied to determine whether this would speed the supply of day care facilities without loss of concern or protection for the child in care.

11. Uniform definitions and models for treatment of day care homes and day care centers should be developed and incorporated into nationally used model building and fire safety codes to eliminate the disparity between these national codes in the classification and resultant structural and equipment requirements.

12. State licensing agencies and the Office of Child Development should develop an information program to educate local officials and the general public on the advantages and desirability of licensed day care facilities over unlicensed facilities.

13. The prevailing viewpoint of the states is that the standards need to be reviewed and changed. In all likelihood, the changes presently anticipated by the states will result in some slight localized improvements, but the basic problems will remain. Further, there is no national "State Licensing Association" to serve as a forum for exchange of information and coordinated development of procedures among the states. It, therefore, would seem imperative that the Federal Government take a leadership position and prepare proposed model day care standards and administrative procedures for the states to consider during this critical period of change, and encourage formation of a national association of licensing personnel.

APPENDIX A

DEPARTMENTS OF STATE GOVERNMENT RESPONSIBLE FOR LICENSING DAY CARE FACILITIES

	STATE LICENSES			VOLUNTARY LICENSES			CERTIFICATION ONLY			NO LICENSING LAW		
	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers	Family Day Care Homes	Group Day Care Homes	Day Care Centers
ALABAMA	W		W									
ALASKA	W	W	W									
ARIZONA							W					
ARKANSAS	W	W	W									
CALIFORNIA	W		W									
COLORADO	W		W									
CONNECTICUT	W		H									
DELAWARE	W	W	W									
FLORIDA	W		W									
GEORGIA	W		W									
HAWAII	W		W									
IDAHO	W					W						
ILLINOIS	W		W									
INDIANA	W		W									
IOWA	W		W									
KANSAS	H		H									
KENTUCKY	W		W									
LOUISIANA			W				W					
MAINE	W	W	W									
MARYLAND	W		H									
MASSACHUSETTS			H	W								
MICHIGAN	W		W									
MINNESOTA	W		W									
MISSISSIPPI				W		W						
MISSOURI	W	W	W									
MONTANA	W		W									
NEBRASKA	W		W									
NEVADA			W							X		
NEW HAMPSHIRE	W		W									
NEW JERSEY			E				W					
NEW MEXICO	H		H									
NEW YORK	W		W									
NORTH CAROLINA		W	W	W								
NORTH DAKOTA	W	W	W									
OHIO			W				W					
OKLAHOMA	W		W									
OREGON			W				W					
PENNSYLVANIA	W		W									
RHODE ISLAND	W		W									
SOUTH CAROLINA	W	W	W									
SOUTH DAKOTA	W		W									
TENNESSEE	W		W									
TEXAS	W		W									
UTAH	W		W									
VERMONT	O	O	O									
VIRGINIA	W		W									
WASHINGTON	W		W									
WEST VIRGINIA			W				W			X		
WISCONSIN			W									
WYOMING	W		W									

H = Health W = Welfare
E = Education O = Office of Economic Opportunity

APPENDIX B

POINTS OF DELAY IN THE LICENSING PROCESS

Question to state licensing authority. "What are the ten most frequent problem areas or points of delay in the licensing process? How many days' delay does (each) point generally cause?"

DELAYS BY LICENSING OFFICIALS	TIMES MENTIONED	AVERAGE DAYS' DELAY
Final endorsement of Safety Department for permanent licenses delayed due to shortage of staff	1	unk
Not enough staff for fire inspections	1	30
Getting reports by fire department due to lack of staff	2	30
Understaffed for local fire inspections since area so large	1	30
Delay in receiving report of fire marshal inspection	1	10
Delay of fire safety - understaffed and disagreement in where authority rests	1	90
Delay in inspecting for fire and delay in reporting	1	90
Fire reports delay - not reimbursed by Dept. of Social Services	1	15
State Inspector - scheduling problem	1	30
Fire inspection - difficult to get to remote areas and weather often bad	1	120
Fire inspection - approval delayed due to unreasonable fire standards	1	60
Delay in notification of fire clearance due to fire marshal's procedures	1	30
Confusion as to who is responsible for fire inspections	1	unk
Slow and inconsistent fire inspection and reports	1	180
Lack of fire marshal approval	1	180
Lack of cooperation of local fire departments due to lack of personnel and volunteers	1	30
Lack of sufficient licensing staff	14	60
Red tape involved with examinations and records	2	unk
Resistance to inspections by licensing authority	1	unk
Technical details of plan review	1	135
Delays in scheduling hearings	1	30
Resistance of local authorities who do not see the need for day care	1	90
General lack of knowledge by communities about day care licensing - suspicion of caseworker's checkups	1	unk
No time limit for city processing of city portion of licensing process	1	unk
Delay in receipt of sanitation inspection due to understaffing	3	35
Sanitation and well water inspection	2	25
Slow receipt of sanitation reports due to county Health Department staffing problem	1	15
Sanitation inspection - remote area and bad weather	1	90
Sanitation inspections are delayed in some communities	1	unk
State regulations for staff	1	unk

Scheduling problems with building inspection: not enough personnel and increasing number of centers	2	unk
Health Department and applicant's own architects slow in reviewing plans	1	15
Awaiting result of medical examination and/or scheduling of appointment for examination	2	25
Medical reports from doctors delayed	4	50
Bookwork involved in keeping adult and child health cards up to date	3	40
Final endorsement from Health Dept. for permanent licenses delayed by shortage of Health Dept. staff	6	20
Delay in approval of food program	1	60
Delay in approval of health program	1	60
Health inspector scheduling problems	1	30
Failure of Health Dept. to return health inspection reports	1	unk
Health reports not reimbursed by social services	1	15
Zoning clearance - long wait for special variances	1	60
Zoning check - time required	1	15
Zoning in unincorporated area - time lag caused by city commissioners being too busy	1	20
Zoning check and hearing when zoning doesn't allow use		55
Zoning out of date for day care	1	90
Long process involved in fingerprint clearance	2	65
Delay in routing for director's signature	1	5
Computer system data run - only programmed once a month	1	45

DELAYS CREATED BY APPLICANT'S FINANCES AND GENERAL INABILITY TO MEET STANDARDS

Expense of meeting requirements for fire inspection	6	50
Cost of installing fire alarm system	3	160
Cost of replacing wall furnace heating	1	90
Cost of changing doors to swing out	2	35
Cost of installing required fire exits	1	120
Cost of applicant insurance	1	90
Costs of applicant's physical examination	2	60
Receiving medical reports from applicant due to cost and delay in getting appointment	6	40
Staff resentment toward need for medical exam due to delay in obtaining appointment and cost	3	unk
Cost for meeting sanitation requirements	2	50
Cost for getting water supply approved	2	120
Cost of submitting architectural plans	2	unk
Cost factor - lack of plumbers and handymen for small jobs	2	45
Carpentry services and costs in getting approval of building for center	1	90
Costs involved in making building repairs, screens doors, and windows	1	60
Lack of funds to improve building to comply with building codes	1	unk
Remodeling centers - underestimating funds necessary	1	unk
Finances needed to repair inadequate facilities	1	180
Compliance with standards - fence cost too great	1	30
Dollar cost to obtain building permit	1	90

Time and cost involved in meeting code inspections	1	60
Resistance to state space requirements - cost of meeting	2	4
Cost of obtaining adequate equipment	7	105
Cost of indoor-outdoor play space and equipment	1	45
Expense of meeting requirements of health inspection	3	30
Cost of food service	1	unk
Health Department fee of $50 is too much	1	30
Cost involved in meeting adult/child ratio of Federal requirements	1	unk
Insufficient funds to meet initial output for staffing	1	unk
Applicant doesn't want to limit number of children and staff costs high to meet child/staff ratio	1	unk
Inability to pay staff	1	unk
Cost and waiting period of zoning approval	1	45
Time and cost for hearing for special use permit	1	30
Difficulty in getting financing to open facility and meet operating expenses	15	110
Inability to secure children able to pay full cost	1	unk
Unrealistic expectations of profits	4	unk
Time involved in making building changes to meet fire code	3	135
Lack of adequate housing to meet fire code	1	unk
Getting carpentry done to obtain approval of Fire Department	1	30
Insufficient fire exits	1	60
Unvented heaters illegal	1	30
Time involved in enclosing furnace area	1	45
Safety check-up of premises, unrailed stairs	1	30
Obtaining facility meeting structural requirements necessary for safety of children	6	65
Building found inadequate during pre-application building inspection	1	30
Carrying out required changes to bring facility up to standards	1	unk
Contractors do not meet construction deadlines due to unions and weather	1	35
Obtaining landlord permission on rented premises	1	unk
Getting plumbing and caprentry done to meet Health Department standards	2	35
Lack of adequate housing meeting health standards	2	unk
Dietary practices, no hot lunches	1	60
Submission of poor plans - poorly done - returned	1	25
Equipment below standards in number or quality: cots, highchairs, play equipment	3	75
Inadequate play space for children - outdoor	1	75
Lack of trained and educated personnel	7	unk
Not enough staff to provide qualified program	1	90
Cannot find, hold, or pay staff	2	unk
Staff turnover too great	2	unk
Time in getting staff certification	1	7
Staff qualifications must be met	1	unk
Inept or new director	1	20
Time required to find director - cannot open without director	1	unk
Too many children and not enough staff	2	unk
Separating infants from older children	1	unk
General program weakness in content and curriculum	1	45
Child caring practices - severe structuring and regimentation	1	45
Transportation problem, busses required but busses not up to standard	1	unk

APPLICANT LACK OF AGGRESSIVENESS

Delay in receipt of health certificates from staff and families	4	60
Lack of health records for staff	5	35
Submission of medical reports slow from applicant	1	40
Application received without doctor's report - applicant forgot or slow doctor	1	15
Lack of health records for children	4	40
Building inspection - applicant doesn't understand the regulations		unk
Delay in submitting drawings of plans for remodeling to state	2	55
Applicant fails to supply equipment lists	1	unk
Poor acceptance of need by applicant for costly equipment	1	5
Weak center administration controlled by one person, board losing interest	1	45
Slow in supplying ownership information on non-profit center	1	30
Obtaining necessary data on incorporation	1	60
Charter for non-profit status must specify day care	1	135
Keeping copies of records up to date and available	1	30
Applicants trying to do a very good job are slow to submit information documents	1	5
Lack of enthusiasm of sponsoring agency in following through on plans	1	180
Lack of stable auspices - impulsive response to publicity	1	unk
Lack of experience and understanding of operator requires time to emphasize standards required	3	75
Difficulty in obtaining client understanding	1	unk
Lack of adequate pre-planning by client	1	unk
Ignorance of taxation, licensing laws	1	unk
Delay in obtaining initial contact with applicant due to applicant's tardiness	1	unk
Programs - unwillingness to meet standards	4	unk
Personal family adjustments	1	90
Unable to verify or contact references	8	30
Oversight - forgot to enclose fee with application	5	25
Applicant failure to send in all required forms	4	10

APPENDIX C

PROBLEMS OF COORDINATION WITH "COOPERATING AGENCIES"

Question to state licensing agency: "What problems are encountered in coordinating with other inspecting departments?"

Classified by agency causing problem:	TIMES MENTIONED
STATE HEALTH	
Review of architect's plan slow due to state health staff shortage	2
Lack of field staff to follow-up in Public Health	1
Too slow in producing reports	4
Not interpreting requirements the same as other departments	1
No coordination regarding inspecting departments	1
Slowness in completing instructions	2
LOCAL HEALTH	
Lack of uniform requirements and implementation (sometimes differences within same city)	2
Lack of health department staff (local)	2
Local health and sanitation requirements are too strict	1
Delays created by state scheduling fire inspections with local agency	1
Lack of field staff to follow-up in Public Health	1
Getting nursery services performed	1
Misinterpretation of information between day care coordinators and sanitarian	1
Delays of inspection, report writing and return	2
Needs of children relative to health standards need to be clarified to local Health	1
Sanitation inspections not made by local offices	1
STATE FIRE	
Inconsistency in fire safety requirements	1
Failure to follow-up	1
Too slow in producing reports	4
Doesn't have written standards	1
Delays in conducting fire inspections	4
Inconsistent interpretation of fire codes	3
No interpreting requirements the same as other departments	1
Unreasonable (petty) detail in fire inspections	1
Slow follow-up	2
State Fire Marshal only reports when results are negative	1
No coordination regarding inspection departments	2
Differences between state and local fire codes	1
Scheduling of inspections poor	1
LOCAL FIRE	
Lack of uniform requirements	1
Uncooperative, slow reporting departments	4
Lack of personnel	1
Delays created by state scheduling health inspections with local agency	1
Delay in inspections	4
Lack of qualified local fire inspectors	1
Unreasonable (petty) detail in fire inspections	1
Poor understanding of regulations and non-uniform inspections	2
Diffrences between state and local fire codes	1

STATE WELFARE	
Staff shortages	1
Incomplete information is provided to Health Department by Welfare	1
Not interpreting requirements the same as other departments	1
No coordination regarding inspecting departments	1
LOCAL WELFARE	
Incomplete information is provided to Health by Welfare	1
STATE BUILDING	
Building inspector too slow	1
Poor understanding of regulations and non-uniform inspections	1
Slowness to complete reinspection	1
LOCAL BUILDING	
Poor understanding of regulations and non-uniform inspections	1
Slowness in conducting reinspections	1
Slowness in initial inspection	1
STATE JUSTICE	
Criminal investigation clearance	1
STATE TAX	
Filing quarterly taxes	1
LOCAL ZONING	
Delay in zoning board consideration	1
Local zoning codes don't allow day care facilities in residential area	2

APPENDIX D

WAYS OF SPEEDING UP THE LICENSING PROCESS

Question to licensing authorities: "In what ways could your current licensing procedure be speeded up without loss in effectiveness of program control?" (49 states responding*, multiple responses allowed)

RECOMMENDED IMPROVEMENTS	TIMES MENTIONED
INCREASE LICENSING STAFF	26
More personnel in all departments	16
Health and fire inspection could be speeded up with more personnel	5
Additional staff in Department of Public Welfare	2
Increase staff at local level	1
More family day care workers and nurses	1
More building and fire inspectors	1
More health facilities to quickly provide physical on staff	1
More licensing staff	1
Licensing personnel elongated	1
STREAMLINE STATE PROCEDURE	18
Coordinate among departments	3
Make application form simpler	2
Faster service by Fire Marshal	1
Fire Marshal faster by use of rubber stamp instead of personal letter	1
License homes as fast as documents can be provided by applicant	1
Computerize administration procedure	1
County sanitarians need central control to help make reports more uniform and faster	1
Personal interview with operator to help operator with application forms	1
Computerize all day care facilities	1
Require fee to be submitted with application	1
Health certificate with application	1
More complete application (written data from application)	1
Information Packet with application	1
Inspect and return the report of the building inspector—could be quicker	1
REORGANIZE STATE STAFF	8
Combine health and welfare at state level	1
Appoint and fund a Fire Marshal	1
Have one person responsible for fire requirement	1
All fire and safety by state inspectors	1
Have inspectors in state fire and health offices	1
Need consultants	1
Unify health, building and fire inspection with appointment of specialists to Fire Marshall Office and Health Department	1
Designated personnel in Public Safety doing licensing	1
DEVELOP MORE WRITTEN STATE REQUIREMENTS	6
State Fire Marshal develop written standards	1
Sate-wide zoning laws	1
State-wide codes for fire, zoning, building and business licensing	1

*Excludes Florida

Develop check sheet for Fire Marshal for family day care homes	1
Develop standards, codes and policies in Health and Public Safety Departments that would be specifically for day care	1
Written regulations for Departments of Health and Fire Safety	1
REORGANIZE LOCAL STAFF	7
Have a day care coordinator in each county	2
Inspection renewal at local level	1
Transfer day care licensing to county welfare	1
Regionalize day care licensing function	1
Have more district offices instead of centralized as is	1
State appropriations to local departments involved in paying cost of service	1
RELAX REQUIREMENTS	5
Accept a recent health exam instead of developing a new one	1
Fire Marshal make inspection every 2 years instead of every 1 year on renewal	1
Renewal for an applicant be recommended on a consultant basis rather than a long formal one	1
For some cases, renewal without inspection	1
Special exemption from local authorities for day care facilities	1
MISCELLANEOUS	8
More education and cooperation between departments	3
Publicity about day care licensing needed	2
Department of Public Welfare commitment to program	1
Review and evaluation of services plan	1
Better Federal response to community day care needs	1
CANNOT DETERMINE ANY WAYS TO SPEED UP PROCEDURES	4

APPENDIX E

EDUCATION AND TRAINING REQUIREMENTS FOR DAY CARE CENTER AND FAMILY DAY CARE AND GROUP DAY CARE HOME STAFF

	DAY CARE CENTER		FAMILY DAY CARE HOME
	DIRECTOR	TEACHER	OPERATOR
ALABAMA	+	HS	NS
ALASKA	HS	NS	(NS)
ARIZONA*	NS	NS	NS
ARKANSAS	HS	NS	(NS)
CALIFORNIA	+	+	NS
COLORADO	+	HS	NS
CONNECTICUT	+	HS	NS
DELAWARE	+	+	(NS)
FLORIDA	NS	NS	NS
GEORGIA	HS	HS	NS
HAWAII	+	+	NS
IDAHO**	NS	NS	NS
ILLINOIS	+	+	NS
INDIANA	+	+	NS
IOWA	+	+	NS
KANSAS	+	NS	NS
KENTUCKY	NS	NS	NS
LOUISIANA*	NS	NS	NS
MAINE	+	HS	(NS)
MARYLAND	NS	NS	NS
MASSACHUSETTS*	+	+	NS
MICHIGAN	+	+	NS
MINNESOTA	NS	NS	NS
MISSISSIPPI* **	+	+	NS
MISSOURI	+	NS	(NS)
MONTANA	NS	NS	NS
NEBRASKA	+	+	NS
NEVADA*	+	NS	N/AP
NEW HAMPSHIRE	HS	HS	NS
NEW JERSEY*	+	+	N/AP
NEW MEXICO	NS	NS	NS
NEW YORK	NS	NS	NS
NORTH CAROLINA*	NS	NS	(NS)
NORTH DAKOTA	HS	NS	(NS)
OHIO*	+	HS	NS
OKLAHOMA	HS	HS	NS
OREGON*	NS	NS	N/AP
PENNSYLVANIA	+	+	NS
RHODE ISLAND	+	+	NS
SOUTH CAROLINA	NS	NS	(NS)
SOUTH DAKOTA	+	+	NS
TENNESSEE	+	+	NS
TEXAS	HS	NS	NS
UTAH	NS	NS	NS
VERMONT	NS	NS	(NS)
VIRGINIA	+	HS	NS
WASHINGTON	+	NS	NS
WEST VIRGINIA*	HS	NS	NS
WISCONSIN*	+	+	N/AP
WYOMING	+	+	NS
DISTRICT OF COLUMBIA	NS	NS	NS

\+ Some college or equivalent experience
HS High school
NS Not specified
N/AP not applicable
* No mandatory licensing requirement for family day care homes
** No mandatory licensing requirement for day care centers
* No licensing law for homes
( ) Also a requirement for group day care homes

APPENDIX F

ABSTRACT OF DAY CARE LICENSING REGULATIONS: AGE RANGE, GROUP SIZE AND CHILD-STAFF RATIO

STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
1 ALABAMA	* *Depends on mother's skill and home	*	*	6 wks up to 3 2½-3 4-6 6-14	according to age 10 20 25	5:1 10:1 20:1 25:1
2 ALASKA	0-14 Group Day Care Home 3-14	6 12	6:1 6:1	0-3 3-14	5 10	5:1 10:1
3 ARIZONA	(FIDCR certification only) 0-6 3-15	 5 6	 5:1 6:1	under 3 3 4-5 6-15 (A minimum of 2 staff members is required whenever the number of children on the premises exceeds 10.)	10 15 20 25	10:1 15:1 20:1 25:1
4 ARKANSAS	0-13 0-13 Group Day Care Home 3-15 6+	6 (with 1 under two) 5 (with 2 under two) 12 12	6:1 5:1 5:1 6:1	0-1 2-3 3-5 (If 10 children, two staff must be on duty during peak hours.)		4:1 6:1 10:1

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STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
5 CALIFORNIA	Home Type 1 0-6 Home Type 2 3-15 Special Home 3-15 *No children under 3 **With one or more pre-school, ratio is 5:1	 5 6 10*	 5:1 6:1 6:1**	Under 2* 2-16 *Special case **Or one teacher and one assistant for 15		4:1 12:1**
6 COLORADO	0-15 (No more than 2 under 2)	6	6:1	2-15 2-2½ 2½-3 3-4 4-5 5+	5-10 (Sml. Cntr) 11+ (Lrg. Cntr)	 6:1 8:1 10;1 12:1 15:1
7 CONNECTICUT	0-21 4:1 Ratio with not more than 2 children under 2 2:1 Ratio with not more than 4 children under 2	4	4:1	4 wks - 3 3+		
8 DELAWARE	Boarding Home 0-17 Group Day Care Home Preschool-14	6 11	3:1 (infants) 6:1 (others) 6:1 (3 and over) 2:1 (Under 3)	0-1 1-2½ 2-3 4-5 6-17 No limits with the exception of those centers agreeing to receive federal pruchase of care funds for more than 10% of their capacity will have the following limits: 3-4 4-6 6-14	 15 20 25	5:1 8:1 15:1 20:1 25:1 5:1 7:1 10:1

9 DISTRICT OF COLUMBIA	0-15			Under 15 yrs. Under 18 mos. 1½-6 There should be at least 2 persons in attendance with any group of more than 10 children over 6 years at all times.		6:1 10:1
10 FLORIDA	0-16	5	5:1	under 2 2-5 6+		5:1 10:1 15:1
11 GEORGIA	0-16 (When 3 children under 2½, helping person in addition to day care parent)	6	6:1	0-1½ 1½-2 3 4 5-6 7 and older	7 10 15 18 20 25	7:1 10:1 15:1 18:1 20:1 25:1
12 HAWAII	0-8 0-2 (May have 4 infants if there are 2 adults, includes parent's children)	5 2	5:1 2:1	2 3 4 5+		10:1 15:1 20:1 25:1
13 IDAHO	0-16 (No more than 2 under 2)	6	6:1	2 ½-5 6-16 (Voluntary at present) If possible a minimum of 2 adults for any group.	10 10	10:1 10:1
14 ILLINOIS	0-18 0-6 0-2 *Includes own children	8*	8:1 4:1 2:1	0-1 2 3 4 5 2-6 3-6	6 8 20 20 25 15 20	6:1 8:1 10:1 (full day) 20:2 (half day) 20:1 (full day) 25:2 (half day) 25:1 15:2 10:1
15 INDIANA	0+	10	6:1	3 4 5 6+		10:1 12:1 15:1 20:1
16 IOWA	0-15	5	5:1	2 3 4 5 6+		6:1 12:1 15:1 18:1 25:1

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STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
17 KANSAS	0+	4	4:1	3-4		12:1
	(With 2 under 2 years)			5-6		16:1
	2+	6	6:1	7-16		
18 KENTUCKY		6	6:1	under 3		6:1
				2		8:1
				3		10:1
				4		12:1
				5-12		15:1
19 LOUISIANA	under 17	6*	4:1	under 18 mos.	6	6:1
	(Limit of 2 unrelated children under 2)			18 mos. +	14	14:1
	(FIDCR Certification only)					
	*Including family's own children					
20 MAINE	0-6	6*	5:1	2½-3		8:1
	(No more than 2 under 2½)			3		10:1
	0-15	6*	6:1	4		15:1
	*Includes own children under 8			5		18:1
	Group Day Care Home			6-16		20:1
	0-15	12	6:1			
	(No more than 3 under 2½)					
21 MARYLAND	1-15	4	4:1	1-15		
				(Special age groupings are specified for Kindergartens and Nurseries)		
22 MASSACHUSETTS	0-14	2	2:1	3-4	20	10:1
				5-6	20	15:1
	(Voluntary licensing)			(Under 3 hours care excluded for this table)		
23 MICHIGAN	0-17	4	4:1	2½-3		10:1
	(Maximum of 2 infants, includes own children)			4		12:1
				5		20:1
				2½-5		10:1
24 MINNESOTA	0-16	5*	5:1	3-12		10:1
	*Includes own children under 5 years					
	(No more than 2 under 1)					

25 MISSISSIPPI (Voluntary Licensing Only)	0-6 (No more than 2 under 2)	5*	5:1	2	8	8:1
				3	10	10:1
	3-14	6*	6:1	4	15	15:1
	*Includes own under 14			5	20	20:1
	Group Day Care Home			6-14	25	25:1
	3-14	12	6:1			
26 MISSOURI	0-16	6	6:1	3-4		10:1
	Group Day Care Home			5+		15:1
	3-16 (No more than 2 under 2)	15	10:1			
27 MONTANA	0-11 (No more than 2 under 2)	6	6:1	2-3	15	10:1
				4	20	10:1
				5-13	25	10:1
28 NEBRASKA	0-2	4	4:1	2-5		7:1
	0-12 (No more than 2 under 2)	7	7:1	6-12		12:1
29 NEVADA	(Not licensed)			0-2	8	2:1
				2-5	10	10:1
				6+		15:1
30 NEW HAMPSHIRE	0-16	4*	4:1	3	15	8:1
	0-16	6	6:1	4	20	10:1
	*2 or 3 infants in group (Includes own pre-schoolers)			5-15	20	10:1
31 NEW JERSEY	(FIDCR Certification only)			2	15	8:1
				3	18	10:1
				4	25	12:1
				5(recommended only)		20:1
32 NEW MEXICO	0-17 (No more than 2 under 2)	6	6:1	0-1		10:1
				2+		15:1
				(Also have specifications for less than 3 hour care)		
33 NEW YORK	8 wks-12 (no more than 2 under 2)	6	6:1	8 wks-1½	8	4:1
				1½-2	10	5:1
				3	15	5:1
				4	20	7:1
				5	20	7:1
				6-13	25	10:1

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STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
34 NORTH CAROLINA	Group Day Care Home **	15	7½-1	0-8 mos. 0-1½ (mixed groups) 1½-2½ 2 3 4 5-6	8 8 6 12 16 20 25	4:1 4:1 6:1 8:1 12:1 15:1 18:1
	**Age range depends on mother's wishes, taking account the ages of her children (Family Day Care Homes, 5 or less, are licensed voluntarily)					
35 NORTH DAKOTA	0-6 3-13 Group 0-3 3-13	5 6 12 12	5:1 6:1 3:1 6:1	Under 2* 2* 3-4 5+ *Under 3 with special approval		3:1 5:1 10:1 12:1
36 OHIO	0-14 (No more than 2 under 2) 3-14 (FIDCR Certification only for Homes caring for welfare supported children only)	5 6	5:1 6:1	Under 1½ 1½-2 3-4 5+	"small groups"	8:1 10:1 15:1 20:1
37 OKLAHOMA	0-17	5	5:1	Infants in cribs 10 mos.-2 2 3 4 5 6+ Mixed ages, up to 2 infants	8 8 15 15 20 25	4:1 6:1 8:1 12:1 15:1 15:1 20:1 8:1
38 OREGON	facilities with less than 5 children may be voluntary licensed. They are certified for FIDCR.			0-13		10:1
39 PENNSYLVANIA	0-6 (No more than 2 under 2) 3-15	5 6	5:1 6:1	3 4-5 6-7 8-9 10-15	15 20 25 25 25	7.5:1 10:1 12.5:1 12.5:1 12.5:1

40 RHODE ISLAND	0-15	4	4:1	3	10	5:1
	(No more than 2 under 2)			4	15	7:1
	0-15	7	7:1	5	25	12:1
	(Special License)			6-15)		
41 SOUTH CAROLINA	Inf. +	7	7:1			
	Group Day Care Home			Inf. -1		6:1
				2		8:1
	3	15	8-10:1	3		10:1
	4	15	10-14:1	4		14:1
	5	15	15:1	5		15:1
42 SOUTH DAKOTA	*	6	6:1	Inf.-13	10-20	5:1
	Depends on stamina and skills of parents			Inf.-2	10	8:1
				3-5	20	8:1
				6-13	20	10:1
43 TENNESSEE	0-16	7*	6:1	2-16	8 or more	
	0-16	7*	3½:1	2-3	20	10:1
	(License not required for Home caring for fewer than 5 children)			4	20	15:1
				5	25	25:1
	*If more than 4 under 3			3-5	20	15:1
				6+	30	30:1
44 TEXAS	0-15	6	6:1	Under 18 mos.		4:1
	Under 2	6	2:1	1½-2		6:1
	Under 6	6*	3:1	2		8:1
	2+	6	6:1	3		12:1
	*2 under 2			4		15:1
				5		18:1
				6-7		20:1
				8-14		25:1
45 UTAH	0-14	6	6:1	2	10*	10:1
	(No more than 2 under 3)			3	15*	15:1
				4	20*	15:1
				5-6	25*	20:1
				7-14	25*	25:1
				*recommended		
46 VERMONT	0-14	6	6:1	Group size not specified. Child/Staff ratio: for the first group of 12 pre-school children 6:1 For each additional 9 pre-school children 9:1 In no event shall child/staff ratio exceed 8:1 For children under 2 – 2:1		
	(No more than 2 under 2)					
	3-14	9	9:1			
	Group Day Care Home					
	0+	12	6:1			
	3+	12	12:1			

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STATE	FAMILY DAY CARE HOMES (GROUP DAY CARE HOMES)			DAY CARE CENTERS		
	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO	AGE RANGE	MAXIMUM GROUP SIZE	CHILD STAFF RATIO
47 VIRGINIA	0-2 2+	10 10	3:1 6:1	Under 2 2+		3:1 10:1
48 WASHINGTON	2-12 0-12 *with 2 under 2	10 6*	7:1 6:1	0-1 1-2½ 2½	10 10	5:1 7:1 10:1
49 WEST VIRGINIA	0-13 3-13 *No more than 2 under 2	5* 6	5:1 6:1	Under 3 3-5 school age* school age ** 2 3 4 5 6+ *mixed **grouped by age	8 10 12-15 20 8 10 15 18 20	8:1 10:1 15:1 8:1 10:1 15:1 18:1 20:1
50 WISCONSIN	Homes for 1-3 children not licensed Small home-centered programs for four through eight children must meet same requirements as centers since they are classified as such.			Under 1 1 2-2½ 2½-3 3 4 5-6	6 8 12 16 20 24 32	3:1 4:1 6:1 8:1 10:1 12:1 16:1
51 WYOMING	0-16	6	6:1	2-3 4-5 5-6 7-17		10:1 15:1 20:1

APPENDIX G

DISCREPANCIES MOST FREQUENTLY RESPONSIBLE FOR LICENSING DENIALS

Request to licensing authorities: "List and rank the ten discrepancies most frequently responsible for denials of licenses on initial application during the last three years."

DISCREPANCIES	TIMES MENTIONED
Housing Discrepancies	18
Staff Qualifications Discrepancies	33
Staff Size Discrepancies	10
Fire Regulation Discrepancies	20
Health Regulations Discrepancies	7
Sanitation Regulation Discrepancies	11
Zoning Discrepancies	10
Safety (General)	7
Program Discrepancies	9
Funding	12
Family Problems	7
Space Regulation Discrepancies	12
Equipment Regulation Discrepancies	6
Play Space	5
Improper Admissions	3
Miscellaneous Discrepancies	15
Don't know	3

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